IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 44 OF 2005

The State of Maharashtra .. Applicant.

V/s.

Jitu Lalchand Sonkar ..Respondent.

Shri K.V. Saste, APP for the Applicant.
Shri Manoj Bhat for Respondent.

CORAM : A.M.KHANWILKAR, J.
DATED : JANUARY 28, 2005

PC :-

. Heard counsel for the parties.

2. The respondent is facing trial in connection with CR No. I-243/2003 registered with Kapurbavdi Police Station for the offence punishable under section 302 read with 34 of the I.P.C. The respondent was released on bail by this court vide order dated 23rd February, 2004 on certain conditions. One of the condition was that the applicant was directed to report to the concerned police station every alternate Sunday between 10 a.m. to 11 a.m. till the conclusion of the trial. This condition has not been complied with. The respondent, however, relies on certain documents to show that he was attending the

concerned police station. Accepting those documents, which only indicate that the respondent has attended the concerned police station only on 4 occasions in the last about 11 months, whereas he was required to attend the police station every alternate Sunday. Explanation offered by the respondent that he was given to understand that he should attend on every date before the court and it was not necessary to report to the concerned police station, is the only vague assertion on affidavit, which cannot be accepted. As the respondent has failed to comply with the direction given by this court and the bail order being conditional, there is no option but to recall the bail granted to the respondent. Accordingly, this application succeeds.

3. However, the District and Sessions Judge, Thane is directed to assign the case to Fast Track Court, if already not done, to ensure early disposal of the trial. The trial be concluded preferably within six months from the receipt of the writ of this court.

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